

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

UNITED STATES OF AMERICA,

VS.

CASE NO. 2:19-cr-00222-02

KEVIN FLUHARTY,  
DEFENDANT.

**MOTION TO CONTINUE**

Comes now Defendant Kevin Fluharty, by Counsel Mark McMillian moves to continue sentencing in his case, and in support of same respectfully asserts the following.

1. Defendant Fluharty is currently to be sentenced June 2, 2020. His plea agreement requires his cooperation, including testimony at the trial of defendants in a related case, which is presently set for after that date. Mr. Fluharty would be best served in being sentenced after his co-operation is complete. That trial would also likely more fully enlighten the Court concerning details that may be useful in determining an appropriate sentence.

2. Undersigned Counsel is authorized to say that the United States, through its Assistant United States Attorney Steve Loew, has no objection to granting of the requested continuance.

WHEREFORE, for reasons above and otherwise appearing to the Court, Defendant respectfully prays that Sentencing be continued, along with associated deadlines, including his objections and final presentencing report.

Respectfully Submitted,

/s/ Mark McMillian

Mark McMillian (W.Va. Bar No. 9912)

*Counsel for Defendant Fluharty*

1018 Kanawha Blvd, East, Suite 900

Charleston, WV 25301

Email: mark@markmcmillian.com

Phone: 304-720-9099 Fax: 304-720-0290